

Equal Employment Opportunity

COMPLAINT PROCESS Overview

Employees, former employees, and applicants for employment are protected by law from discrimination because of race; color; religion; sex (including sexual harassment or sex-based wage discrimination); national origin; age; mental or physical disability; and/or reprisal in employment matters under the control of the Army. Those who believe they are victims of discrimination must contact the EEO Office (or an EEO counselor) within **45 days** of the alleged act of discrimination. The EEO Officer will assign an EEO counselor to inquire into the allegations of discrimination, and attempt to facilitate resolution of the matters during the informal, or pre-complaint, stage.

The U.S. Army and Seattle District Corps of Engineers (USACE) has established an EEO Alternative Dispute Resolution (ADR) Program that may be offered to an aggrieved person, instead of traditional EEO counseling. (ADR is a term used to describe a variety of collaborative methods to resolve conflict, using a neutral third party. The Army uses mediation as its preferred ADR method.)

EEO counselors are free to make whatever inquiries are necessary to informally resolve the matter. The counseling period may last up to **30 days** from the date the aggrieved person brought the matter to the attention of the EEO Office or counselor. Prior to the end of the 30-day period, the aggrieved person may agree in writing to extend the counseling period for up to 60 additional days. If a satisfactory resolution is not reached during the counseling period, the person is advised of the right to file a formal complaint, and the procedures to follow. Then the aggrieved has **15 days** to file a formal complaint. Where the aggrieved person has been offered, and chooses to participate in, ADR, the pre-complaint processing period is 90 days. If the matter has not been resolved before the 90th day, the aggrieved person will be informed in writing of the right to file a discrimination complaint.

Employees or former employees, who believe an Army action appealable to the Merit Systems Protection Board (MSPB) was effected because of discrimination, may choose to file an MSPB appeal within 30 days of the effective date of the personnel action. Aggrieved persons waive the right to file a formal complaint if they file an MSPB appeal on the same matter.

Formal complaints of discrimination may be filed with the Seattle District EEO Officer or the Seattle District Commander. Complaints may also be filed with the Army Director of EEO or the Secretary of the Army.

More detailed account of the process may be found in Army pamphlet AR690-600, EEOC MD-110. Our website has links to these publications.